

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹
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PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF No. 663, 674, 858, 1039,
1310, 1540, 2243, 2244**

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY (“HTA”)

Debtor.
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PROMESA

Title III

No. 17 BK 3567-LTS

**This Motion relates only to HTA
and shall be filed in the lead Case
No. 17 BK 3283-LTS and Case No.
17 BK 3567-LTS.**

**FOURTH JOINT NOTICE AND STIPULATION
AMENDING DEADLINES CONCERNING THE REQUEST FOR
RELIEF OF STAY FILED BY HTA MANAGERIAL EMPLOYEES**

To the Honorable United States District Court Judge Laura Taylor Swain:

COME NOW, the Managerial Employees of the Puerto Rico Highway and Transportation Authority (‘ME-PRHTA’) listed in Exhibit I of the Motion Requesting Relief From Stay [ECF

¹ The Debtors in these Title III Cases, along with each Debtor’s respective bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS)(Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

No. 663] (the “Stay Motion”), hereinafter designated as the “Movants,” and the Puerto Rico Highway and Transportation Authority (“PRHTA”), through their respective counsel and respectfully state and pray:

1. On July 19, 2017, the Movants filed the Stay Motion, pursuant to Bankruptcy Code section 362(d)(1), requesting this Honorable Court lift the automatic stay under Bankruptcy Code section 362(a), made applicable by PROMESA section 301(a) (the “Title III Stay”), of the legal proceedings concerning employment claims filed and prosecuted against PRHTA by Movants before different Commonwealth judicial and administrative forums. See ECF No. 663.

2. On August 2, 2017, AAFAF, on behalf of PRHTA, filed an objection to the Stay Motion [ECF No. 858] (the “Objection”). In the Objection, AAFAF argued, among other things, that it needed additional time to evaluate Movants’ claims in the overall context of PRHTA’s Title III case. It also pointed to Movants’ failure to provide information about the status and stage of each of the one hundred and fifteen (115) employment claims prosecuted by them, which have been stayed upon the commencement of PRHTA’s Title III case.

3. As set forth in the Joint Motion and Stipulations Concerning the Request for Relief of Stay Filed by the movants ME-HTA [ECF No. 1032] (the “Joint Motion”) filed on August 15, 2017, Movants and PRHTA reached an agreement to adopt a process that would allow PRHTA to receive particularized information on each of the claims involved in the Stay Motion and for both parties to conduct discussions in an effort to reach agreements regarding Movants’ request for relief from the stay. On August 15, 2017, this Honorable Court entered the Order Granting Joint Motion and Stipulations Concerning the Request For Relief of Stay Filed by movants ME-HTA [ECF No. 1039] (the “Order”) granting the Joint Motion and adopting the stipulations of the parties set forth therein.

4. Due to the circumstances caused by the close passage to Puerto Rico of Hurricane Irma on September 6, 2017, the parties filed a Joint Notice Extending and Stipulations Amending Deadlines Agreed at Docket 1032 Concerning the Request for Relief of Stay Filed by HTA Managerial Employees [ECF No. 1303] (the “First Extension Notice”), which requested an extension of the deadlines set forth in the Order. On September 15, 2017, the Court entered an order approving the agreed-upon extensions set forth in the First Extension Notice [ECF No. 1310] (the “First Extension Order”).

5. Shortly after entry of the First Extension Order, on September 20, 2017, Hurricane Maria—the fifth strongest hurricane to ever hit the United States—made landfall in Puerto Rico. Due to the circumstances that arose in Puerto Rico after the passage of Hurricane Irma and Hurricane Maria, the parties agreed to extend the deadlines set forth in the First Extension Order, and extend the period during which the Stay Motion, as well as the Objection filed by PRHTA, are held in abeyance. See ECF No. 1517.

6. On October 26, 2017, the Court entered the Order Approving Second Joint Notice and Stipulation Amending Deadlines Agreed [ECF No. 1303] Concerning the Request for Relief of Stay Filed by HTA Managerial Employees [ECF No. 1540] (the “Second Extension Order”).

7. On November 30, 2017, Movants furnished information regarding the relevant claims to PRHTA. However, due to the lingering effects from Hurricane Maria, PRHTA required additional time to complete its due diligence on Movants’ individual claims, which must be finished before PRHTA can assess each request for relief from the Title III Stay. To that effect on January 16, 2018, the parties jointly filed their “Third Joint Notice and Stipulation Amending Deadlines Concerning the Request for Relief of Stay Filed by HTA Managerial Employees”. See ECF No. 2243. This petition was granted by the Court on January 17, 2018. See ECF No. 2244.

8. Notwithstanding the above, the time previously requested and diligently provided by this Court, proved insufficient to complete the pending tasks. After the recent withdrawal of the HTA's attorney that was handling the matter, the undersigned has been requested by HTA to assume its legal representation and conclude the required due diligence without further petitions of time, other than the one at hand. The undersigned attorneys have dialogued and agreed on a schedule to comply with the extended term herein requested. In consideration of this, the parties have agreed to request an amendment of the Third Extension Order to further extend the deadlines set forth therein, and request the Court to further extend the period during which the Stay Motion and Objection are held in abeyance.

9. The new deadlines agreed to by the parties are as follows:

- March 13, 2018 - PRHTA to furnish an answer to Movants informing them of its position concerning the request for relief of stay as to each individual claim.
- March 14, 2018 - March 16, 2018 - the parties to meet and confer in an effort to reach an agreement on any remaining controversies concerning the request for relief of the stay of the proceedings corresponding to the claims being prosecuted by Movants against PRHTA.
- March 19, 2018 - the parties to file a joint motion with the Court informing the Court of the results of the negotiations, any agreements obtained, and any remaining controversies.
- All other agreements and provisions set forth by the parties in the Joint Motion maintain their full force and effect.

10. The parties respectfully request the Court amend the Third Extension Order [ECF No. 2244] to adopt the new deadlines set forth above and hold the Stay Motion and Objection in abeyance until April 1, 2018.

WHEREFORE, the appearing parties respectfully request this Court approve the agreements as set forth above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of February, 2018.

I hereby certify that on this date I electronically filed the foregoing Motion with the Clerk of the Court, using the CM/ECF System, which will send notification of such filing to all appearing parties and counsels using the Court's electronic system.

/s/ Jesús Morales Cordero

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